

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)
)
Petitioner,) CERTIFICATION OF A
) SEXUALLY DANGEROUS PERSON
v.)
)
MICHAEL W. MCBRIDE,)
Register Number 11349-045,)
)
Respondent.)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted this 27th day of October 2011.

THOMAS G. WALKER
United States Attorney

BY: /s/ Matthew L. Fesak
MATTHEW L. FESAK
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N.C. Bar # 35276
Attorney for Petitioner

CERTIFICATE OF SERVICE

This is to certify that I have this 27th day of October, 2011, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and placing the envelope in the U.S. Mail for delivery to:

Michael W. McBride
Register Number 11349-045
FCI Butner
P.O. Box 1000
Butner, NC 27509

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Office of the Federal Public Defender
150 Fayetteville Street
Suite 450
Raleigh, NC 27601

/s/ Matthew L. Fesak
MATTHEW L. FESAK
Assistant United States Attorney
Civil Division
310 New Bern Avenue
Suite 800 Federal Building
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Facsimile: (919) 856-4821
E-mail: matthew.fesak@usdoj.gov
N.C. Bar # 35276
Attorney for Petitioner

CERTIFICATION OF A SEXUALLY DANGEROUS PERSON

(1) I, Ivonne E. Bazerman, am Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248.

(2) Bureau records reflect the following: Inmate Michael W. McBride, Register Number 11349-045, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 36-month terms of imprisonment and a life term of supervised release, following his conviction for Failure to Register as a Sex Offender, in violation of 18 U.S.C. § 2250(a) (D. N.H.) (Case No. 09-cr-119-01-PB). His projected release date is December 6, 2011.

(3) Based on a review of his Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

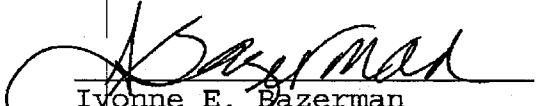
(a) He previously engaged or attempted to engage in sexually violent conduct or child molestation, as evidenced by his prior convictions for: three charges of Sodomy and

two charges (six specifications) of Indecent Act, in a general court-martial convened at Marine Corps Air Ground Combat Center, Twentynine Palms, California (No. 07-93), for engaging in sexual conduct with five male victims under the age of ten, to include fondling the genitals of more than one victim, performing oral sex on a victim, inserting his finger in a victim's anus, inserting his penis in a victim's anus, asking a victim to fondle his penis, and exposing his penis to a victim;

(b) A psychological review and assessment indicated an Axis I diagnosis of Pedophilia, Sexually Attracted to Both, Non-exclusive Type; and an Axis II diagnosis of Antisocial Personality Disorder;

(c) A review and assessment of him using an actuarial risk assessment instrument (Static-99R) was conducted. This result, in addition to his prior offense conduct, significant, negative social influences, intimacy deficits, poor general self-regulation, and poor sexual self-regulation, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.


Ivonne E. Bazerman
Chairperson
Certification Review Panel
Federal Bureau of Prisons

10/20/2011
Date

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. _____

UNITED STATES OF AMERICA,)
)
Petitioner,)
)
v.) ORDER
)
MICHAEL W. MCBRIDE,)
Register Number 11349-045,)
)
Respondent.)

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this Court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5).

Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the Respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the

appropriate fees and expenses to witnesses so subpoenaed.

Pursuant to 18 U.S.C. section 4247(b), the Court ORDERS the appointment of a mental health examiner of the Respondent's choosing. Pursuant to this section, if the Respondent wishes to request an additional examiner, he shall request such by separate motion to this court.

Any and all future forensic reports, and other such psychological and psychiatric reports or documents relevant to this case, whether such reports are produced by the Federal Bureau of Prisons, independent examiners appointed by order of this Court, or other mental health professionals, shall be filed with this Court under seal, without need of further motion to seal, by either party. Further the Clerk is DIRECTED to permanently seal these reports in accordance with Local Civil Rule 79.2(b), E.D.N.C.

The Court hereby notifies the parties that in light of the provisions of the August 04, 2010 Standing Order, the parties will not be required to conduct an initial scheduling conference pursuant to Fed. R. Civ. P. 26(f).

This ____ day of _____, 2011.

United States District Judge